

**REMARKS**

**I. Status of the Application**

By the present amendment, Applicant amends claims 1-4, 6-8 and 10-13. Claims 1-13 are all the claims pending in the application, with claims 1, 4, 8 and 11 being in independent form. Claims 1-13 have been rejected.

The present amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

**II. Claim Rejections - 35 U.S.C. § 103**

The Examiner has rejected claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0125871 to Cherveney (hereinafter "Cherveney") in view of U.S. Patent Publication No. 2004/0104842 to Drury et al. (hereinafter "Drury"). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

The Examiner acknowledges that Cherveney fails to disclose or suggest a server for updating road information in a map information providing system for providing desired road information in accordance with a request from each of the terminal units. Further, the Examiner alleges that Cherveney only discloses that updates are distributed and does not teach or suggest whether the central station or the terminals initiate the updates. Nevertheless, the grounds of rejection apply Drury, alleging that Drury teaches or suggests this feature.

Applicant previously advanced arguments that the grounds of rejection have failed to identify a proper motivation to combine the disparate teachings of Cherveney and Drury, since a

skilled artisan would not have been motivated to look outside the four corners of Cherveney for a teaching as to how to initiate an update. Specifically, Applicant pointed out that Cherveney plainly teaches that the statistical data analyzer 16, which is located in the central geographic manager 10, initiates updates to the central geographic database 20. (Paragraph 0050; paragraph 0054). Specifically, Cherveney teaches that “the statistical data analyzer 16 determines updates to the central geographic database 20” (emphasis added). (Paragraph 0050). Further, Cherveney unequivocally teaches that “the statistical data analyzer 16 provides a message 18 to initiate an update process 22 for the central geographic database 20” (emphasis added). (Paragraph 0054).

Therefore, Applicant argued that the allegation in the grounds of rejection that when one of ordinary skill in the art would attempt to use Cherveney, they would not know whether the server or the terminal would initiate an update (04/07/06 Office Action, page 3), is factually unsupported by Cherveney. In fact, Cherveney teaches quite the opposite of the Examiner’s assertion—that the statistical data analyzer 16, which is located in the central geographic data manager 10, initiates updates. Thus, in attempting to use Cherveney one of ordinary skill in the art would recognize that the statistical data analyzer 16 initiates updates, and would not be motivated to look any further than the teachings of Cherveney to accomplish update initiation.

Accordingly, Applicant submitted that the alleged motivation to combine relied upon by the grounds of rejection (i.e., the assertion that a skilled artisan would be motivated to look toward the disparate teachings of Cherveney for a teaching as to how to initiate an update) is unsupported by the cited references. Further, Applicant maintained that Drury provides no

teaching or suggestion whatsoever regarding the desirability of combining the teachings therein with those of Chervený so as to perform the entirely different operation of road network data which is updated by the positional data of the terminals, as recited in claims 1-13.

In response to Applicant's previous arguments, as outlined above, the Examiner alleges that the Applicant argues a limitation that is not in the claim. In particular, the Examiner alleges that the feature of "updating" that Applicant cites in Chervený is the updating information in the service. In contrast, the Examiner alleges that the feature of "updating" recited in the pending claims is the updating of terminal units as a result of a request from the terminal unit. Thus, the Examiner alleges that these two things are different and that Applicant's claims are silent on the subject of how the server receives locus data from the terminal units. As such, the Examiner alleges that argument that there is no motivation to combine the references is unconvincing.

Applicant respectfully disagrees with the Examiner for at least three fundamental reasons. First, Applicant's arguments that Chervený's statistical data analyzer 16, which is located in the central geographic data manager 10, initiates updates (and that a skilled artisan would therefore not have been motivated to look outside the four corners of Chervený for a teaching as to how to initiate an update), were merely a rebuttal to the Examiner's arguments that a skilled artisan would have been motivated to combine the disparate teachings of Chervený and Drury.

That is, Applicant's arguments to this effect were limited only to illustrating why the Examiner's proffered motivation to combine is unsupported by the cited references. Put simply,

Applicant's arguments in this regard merely pointed out that Cherveny does not support the Examiner's allegations.

Therefore, Applicant submits that whether or not Cherveny's feature of "updating," which is discussed in Applicant's arguments that the Cherveny does not support the Examiner's allegations, is recited in the pending claims is entirely irrelevant to the issue of whether Cherveny supports the Examiner's proffered motivation to combine.

Second, Applicant notes that each of the independent claims explicitly contradicts the Examiner's allegation that the feature of "updating" recited in the pending claims is the updating of terminal units as a result of a request from the terminal unit. For instance, claim 1 recites the feature of "wherein said server is configured to update road information in a map information providing system," and that "said map information providing system provides desired road information in accordance with a request from at least one of said terminal units" (emphasis added).

Moreover, claim 4 recites the feature of "updating said road information constructed in said road network site" (emphasis added). And, claim 8 plainly recites the feature of "a third step of updating road information which is constructed in a road network site" (emphasis added). Finally, claim 11 recites "updating said road information constructed in the road network site" (emphasis added).

Accordingly, the Examiner's assertion that the feature of "updating" recited in the pending claims is the updating of terminal units, is factually unsupported since the pending

claims plainly recite the feature of updating a map providing system, and updating a road network site.

Third, Applicant submits that the Examiner's allegation that the pending claims are silent on the subject of how the server receives locus data from the terminal units, is also factually unsupported. Quite to the contrary, claim 1, for instance, plainly recites that the server comprises a location data receiving means which receives present location data from a terminal, and a road information updating means which creates locus data using said received present location data. Therefore, claim 1 quite clearly specifies that the server does not receive locus data from the terminal units, rather, claim 1 makes it clear that the server creates locus data based on present location data that is received from the terminal units. Consequently, Applicant submits that claim 1 is not silent on the subject of how the server receives locus data from the terminal units, as alleged by the Examiner.

Accordingly, Applicant maintains that the lack of motivation to combine argument advanced in the previous Response filed on July 7, 2006 remains unrebutted by the Examiner for *at least* these reasons. Consequently, Applicant respectfully submits that claims 1-13 are patentable over the applied references for *at least* these independent reasons and respectfully requests that the Examiner withdraw these rejections.

### III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

**AMENDMENT UNDER 37 C.F.R. § 1.114(c)**  
**U.S. Appl. No.: 09/899,088**

**Attorney Docket No. Q65341**

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

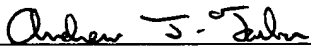
Respectfully submitted,

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**23373**

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